

Remarks

Claims 37-44 and 46-52 are pending. Claim 45 has been canceled. No new matter has been added. The numbered paragraphs below correspond to the Examiner's numbered paragraphs.

1.

(a) The Examiner has indicated that the information disclosure statement (IDS) filed on December 6, 2005 has been considered and entered. **However, the Examiner has indicated that documents A51-A63, A65, A68-A71, B35-C9, C12-C16, C18, C20, C23-C27, C29, C31, C33, C38-C43 and C47-C50 have not been considered because the reference date is after the priority date.**

First, C23-C27 and C38-C43 have not been crossed-out but have been signed-off by the Examiner. Applicants are assuming that paragraph 1 of the office action includes an error and that C23-C27 and C38-C43 have in fact been considered. If Applicants' assumption is incorrect, Applicants respectfully request that the Examiner correct this inconsistency.

Second, Applicants respectfully believe that the Examiner has made a clear error which needs to be corrected. A51 has a filing date of 1/29/97; A52 has a filing date of 1/8/99; A53 has a filing date of 3/5/98; A54 has a filing date of 6/12/96; A55 has a filing date of 7/19/99; A56 has a filing date of 9/29/98; A57 has a filing date of 4/15/99; A58 has a filing date of 6/9/99; A59 has a filing date of 4/16/98; A60 has a filing date of 6/10/99; A61 has a filing date of 2/17/98; A62 has a filing date of 11/14/00; A63 has a filing date of 10/18/99; A65 has a priority date of 6/10/95; and A68-A71 may have a priority date of 4/12/00 (there is a continuation-in-part

priority). Applicants do not believe that these references are materially relevant to the claims and believe that the claims are all patentable over these references. Nevertheless, all these references have 102(e) priority dates and should have been considered by the Examiner for his own independent judgment as to their applicability.

Similarly, Applicants believe B35, B36, B38-B40, B44, B45, B47 and B48 must be considered under 35 U.S.C. § 102(e) by the Examiner as well.

Finally, B37, B41, B42, B43 and B49 appear to not have designated the United States. B46 has not been published in English. Accordingly, Applicants believe that their submission was in fact an oversight but would appreciate if the Examiner verifies this fact independently.

(b) The Examiner has indicated that the IDS filed on May 4, 2004 is not in the record. Although Applicants record indicates that this IDS was properly submitted, Applicants are re-filing this IDS with this response. Applicants respectfully request that the 1449 be signed and returned.

Since the above indicated references were not considered by the Examiner for the IDS filed on 12/6/2005, Applicants are resubmitting these references with the enclosed IDS and respectfully request Examiner's reconsideration of these references.

2./3./4. Applicants thank the Examiner for the withdrawal of the previous rejections of claims 37-44 based on the arguments the Applicants made with respect to claims 37-44.

5. Claim 45 has been canceled rendering the rejection moot. Applicants reserve the right to pursue the subject matter of claim 45 in a continuation application.

6. Claims 46-52 have been rejected under 35 U.S.C. § 112, first paragraph. The Examiner has noted that the Applicants do not have support for “radially expandable stent in the specification.”

Claim 46 has been amended as follows: “depositing a substance including a polymer on a radially an expandable stent.” The Examiner is respectfully directed to page 5, lines 17-18 of the specification which recites “a prosthesis is provided, such as a balloon-expandable stent or a self-expandable stent.” The Examiner is further directed to page 34, lines 1-4, which teaches expandable stents. Finally, the Examiner is directed to page 43, lines 2-3, which recites, “a stent having the above described coating layers may then be expanded at the desired area of treatment.” Applicants respectfully assume that this teaching is sufficient to support the claimed element of an “expandable stent.” Removal of the rejection is respectfully requested.

7. Claim 45 has been canceled rendering the rejection moot. However, Applicants do respectfully traverse the rejection and are simply canceling claim 45 to move the case towards allowance.

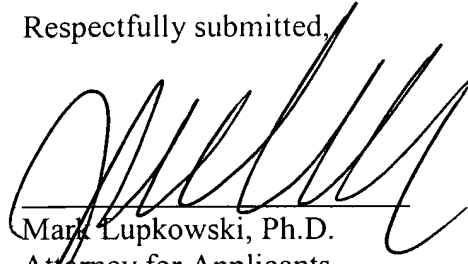
8. Claims 37-44 have been allowed. Applicants thank the Examiner for allowance of the claims.

Removal of the remaining 112 rejection and allowance of the claims is respectfully requested. Should the Examiner have any questions or concerns, the Examiner is invited to call the undersigned attorney of record.

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Respectfully submitted,



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